

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GASPAR CANTU-MARIANO,

Case No. 17-cv-03814 (SJ) (RML)

Plaintiffs,

vs.

ELITE CAFE INC., B & I ELITE CAFE LLC,
E. NISANOV, CORP. EVED NISANOV, and
BENJAMIN HAIMOFF,

Defendants.

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**STIPULATION AS TO LIABILITY AND DAMAGES UNDER NEW YORK LABOR
LAW § 195(1) AND §195(3)**

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for Plaintiff GASPAR CANTU-MARIANO and counsel for Defendants' B & I ELITE CAFÉ LLC and BENJAMIN HAIMOFF (collectively, the "Defendants"), that - for the time period of September 13, 2016 through January 27, 2017 - Defendants are liable to Plaintiff for their violations of New York Labor Law, Article 6, Section 195(1) (hereinafter "NYLL § 195(1)") and New York Labor Law, Article 6, Section 195(3) (hereinafter "NYLL § 195(3)").

IT IS FURTHER STIPULATED AND AGREED that - for the time period of September 13, 2016 through January 27, 2017 - Defendants failed to obtain a signed and dated written acknowledgment of receipt of wage notices under NYLL §195 (1).

IT IS FURTHER STIPULATED AND AGREED that - for the time period of September 13, 2016 through January 27, 2017 - Defendants failed to ever furnish Plaintiff with any wage statements under NYLL § 195(3).

IT IS FURTHER STIPULATED AND AGREED that Defendants will not contest their liability under NYLL § 195(1) and NYLL § 195(3) for the time period of September 13, 2016 through January 27, 2017.

IT IS FURTHER STIPULATED AND AGREED that Defendants reserve the right to contest the quantum of damages for the aforesaid violations.

IT IS FURTHER STIPULATED AND AGREED that the above constitutes stipulated facts that may be utilized by either party at any time during this litigation, including but not limited to presentation to a jury at any time during trial or on motion.

IT IS FURTHER STIPULATED AND AGREED that an email or faxed copy of this Stipulation be accepted as original signatures.

Dated: New York, New York
October 26, 2018 *November 26, 2019*



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SO ORDERED:

Dated:

Sterling Johnson, U.S.D.J.